IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.300 OF 2006

IN

SECOND APPEAL NO.548 OF 2001

Ishwarlal Shankarlal Bhutada ...Petitioner

Versus

Smt.Kamalabai Janardhan Waghmare

& Ors. ...Respondents

.....

Mr.Vilas B.Tapkir for Petitioner.

Mr.V.P.Sawant for Respondents 1 to 5.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 9, 2007.

P.C.

1. Heard Counsel for the parties. Perused the pleadings.

2. The grievance of the Petitioner that the Respondents/Contemnors have wilfully disregarded the order passed by this Court dated 27th July 2006 in Civil Application No.1041 of 2006, clearly

overlooks the stand taken on affidavit that the Respondents/Contemnors had engaged Contractor Mr.Anand Karate to undertake the repair works and he in turn, has proceeded with the work in accordance with the repair permission granted by the Corporation dated 24th May 2006. Besides, my attention is invited to order dated 28th July 2006 which permits the Respondents/Contemnors to proceed with the necessary repair/work in terms of permission given by the Corporation dated 24th May 2006. This order ought to have been placed on record by the Petitioner.

3. Be that as it may, it is not a case of wilful disobedience of the order of the Court. Accordingly, Petition is dismissed. Notices issued to Respondents stand discharged.

A.M.KHANWILKAR, J.